

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA :

- v. - : 07 Cr. 899 (VM)

OYEWALE OLANIBI, :

a/k/a "Joseph Abad," :

Defendant. :

- - - - -x

DECLARATION OF POSTAL INSPECTOR ANDRE ESANNASON

I, ANDRE ESANNASON, hereby declare under the penalties of perjury, pursuant to 28 U.S.C. § 1746, that:

1. I am a Postal Inspector with the United States Postal Inspection Service ("USPIS") and have been involved in the investigation of the defendant, Oyewale Olanibi ("Olanibi" or "the defendant"). This Declaration does not set forth all of the facts that I have learned during my investigation of the defendant.

2. On or about August 22, 2007, one of the owners of the Laundromat located at 439 West 50th Street called me to inform me, among other things, that the mail that was delivered to each of Box Nos. 403, 402, 306, and 103, was addressed to numerous different individuals. The owner also informed me that one of the four males who collected mail for Box Nos. 403, 402, 306, and 103, had called on August 21, 2007 and visited the Laundromat in person, asking about a package for Box No. 402.

The package arrived on August 22, 2007. This Laundromat owner told me the addressee of the package (it was not Olanibi's name). After I learned of this name, I conducted a search of law enforcement databases, and learned that the person to whom the package was addressed had a social security number that in fact belonged to a woman who lived in Maryland.

3. On August 22, 2007, after Olanibi exited the Laundromat on foot. I and another Postal Inspector followed him, and stopped him a short time later, while Olanibi was on the sidewalk. We identified ourselves Postal Inspectors with USPIS, and proceeded to ask Olanibi some questions. Among other things, I asked Olanibi where he was coming from. Olanibi said he was coming from work. I also asked Olanibi if he had gone to the Laundromat at 439 West 50th Street. He replied that he had not. I asked him whether he had picked up any packages or mail at the Laundromat. Olanibi also said "no." At that point, I informed Olanibi that I had seen him at the Laundromat accepting a package. I asked him if he would consent to coming to the USPIS station. He said he would come. At that point, because Olanibi was a large man and we did not do a pat down to ensure that he was not carrying any weapons, we handcuffed him before placing him in our car. We then drove to the USPIS station in Midtown. We formally arrested Olanibi a short time later.

4. In accordance with the standard procedures employed by USPIS, I and other Postal Inspector conducted an inventory search of Olanibi's computer bag. Attached as Exhibit A hereto is a true and correct copy of the pertinent section of the USPIS Field Legal Handbook.

5. In accordance with these procedures, we completed a "Search Warrant Inventory" form, listing all of the items found in Olanibi's bag and on his person. This list is attached as Exhibit B hereto.

Dated: New York, New York
February 8, 2008



ANDRE ESANNASON
POSTAL INSPECTOR
UNITED STATES POSTAL INSPECTION
SERVICE

EXHIBIT A

UNITED STATES POSTAL
INSPECTION SERVICE

Office of Counsel

FIELD LEGAL HANDBOOK



Revised May 2004

RESTRICTED INFORMATION

Field Legal Handbook

Revised January 2004

- If the suspect wants to use the bathroom, search it, keep the door open and keep one Inspector inside. If the suspect wants to get dressed or change clothes, search the clothes first.
- Consider children. If you are arresting a single parent, you may want to contact the local Social Services office before the arrest. Other options are leaving the child with another relative or trusted neighbor approved by the suspect. The least favorable option would be to bring the child along until Social Services can be called and assume responsibility.
- Beware of dogs. Consider dogs and other dangerous animals during advance planning. Arrange for an animal control officer to assist if necessary or take restraint equipment. You can use reasonable force, which under certain circumstances may include using your weapon, to protect yourself from a vicious animal.

H. Transporting the Subject

Unless the individual was arrested in your office, the next step is usually to transport the suspect there for post-arrest processing. Transportation will usually be via an Inspection Service Law Enforcement Vehicle (LEV) and should follow the guidelines below:

1. Thoroughly search the rear seat of the LEV before the arrest and immediately after transporting the suspect. The "before" search is for potential weapons and to allow you to testify that the car was "clean" prior to transporting the prisoner. Any evidence found during the "after" search, must have, therefore, been discarded by the prisoner.
2. Place the suspect in the back seat. The suspect should be cuffed with their hands behind them and should be secured with a seat belt in the seat behind the front seat passenger, not the driver. Make sure the handcuffs are double-locked before placing the suspect in the vehicle. That way the cuffs won't tighten during transportation. Numerous court decisions have upheld police liability for injuries caused by handcuffs that were too tight.²³⁹
3. A second inspector will sit in the back seat behind the driver.
4. Contact the control center and tell them you are transporting a prisoner (10-95) and give the departure time and odometer mileage. Upon arrival, immediately contact control and give the arrival time and mileage. This procedure helps protect you from claims that you purposely delayed your arrival at the office to conduct an improper interrogation or for other improper reasons.
5. If you have not yet advised the individual of their Miranda rights, do so during transport.

I. Post-Arrest Processing

After transporting the suspect to your office, you must complete a number of post-arrest procedures. These procedures are intended to document the arrest, alert key people in the judicial process that an arrest has been made, and protect both you and the suspect for whom you are now responsible.

1. Complete Inventory Search

You must conduct a thorough post-arrest administrative search of the individual and their personal property. Unlike the field search incident to arrest, this search is more detailed and is usually conducted back at the office. The justification for this search is twofold. First, it protects the arrestee's property by insuring that a list of everything in their possession is made and those items are protected while the person is in custody. Second, it protects the officer and agency from future accusations by the arrestee that property they had at the time of their arrest is now missing. **THIS SEARCH MUST BE THOROUGH.** Your life, and the lives of others, depends on it. You never want a U.S. Marshall or local police officer finding a

weapon you missed when they process your suspect into jail. Make an inventory listing and/or photocopies of the suspect's belongings.

2. Secure Your Weapon

Consider in advance how you will secure your weapon. The weapon must be secured during procedures that might expose the weapon to the prisoner.

3. PS Form 1067, Warning and Waiver of Rights

Post-arrest processing is a good time to try to obtain a complete confession from the subject if you have not already done so. In the landmark decision of Miranda v. Arizona,²⁴⁰ the Supreme Court established specific requirements for advising suspects of their Constitutional rights relating to self incrimination and legal representation. These rights are commonly referred to as the "Miranda rights." Completing our 1067 form before you question an arrested subject will put you in the best legal position. Remember to fully document the defendant's understanding of his rights and willingness (or unwillingness) to waive those rights even if they refuse to sign the form.

Note: This topic is discussed in much greater detail in the chapter on "Interviews and Confessions." For now, keep in mind that suspects must be advised of their Miranda rights prior to questioning whenever they're questioned in a custodial situation, such as an arrest.

4. Notifications

As soon as practical you will notify the following entities of the arrest:

The United States Attorney's Office. In most cases, you will be calling the Assistant U.S. Attorney you have been working with on the case. In reactive cases such as probable cause arrests, however, you will be verbally presenting the facts of the case to a "duty Assistant" and request their decision on prosecution. This office will give you the time to bring the suspect in for their initial appearance before the Magistrate or direct you to contact the Magistrate or Clerk of Court to determine that information.

Pretrial Services, U.S. Probation Office. Individuals from this office will interview the suspect before they see the Magistrate to establish the defendant's financial status and assist in determining whether they should be detained. Their written report to the Magistrate, AUSA and defense counsel will cover prior criminal record, financial status and family/community background. They will also interview you regarding the nature of the violation, the defendant's level of cooperation and whether they resisted arrest.

5. Identification Steps

The following steps are intended to fully document the defendant's identity:

- Obtain handwriting samples using the applicable forms.
- Take at least two sets of finger and palm prints.
- Take at least two sets of front and side view photographs.
- Complete PS Form 2026-A, Personal History Form.

Since these items relate to an individual's identity, the courts have ruled this information is not protected by the Constitution. The defendant cannot refuse to provide this information. If necessary, you can obtain a court order to get it and the defendant can be held in contempt if they again refuse.

(a) Fingerprints

The Fourth Amendment does not bar the fingerprinting of a properly seized person.

"Fingerprinting involves none of the probing into an individual's private life and thoughts that

EXHIBIT B

SEARCH WARRANT INVENTORY



SEARCH WARRANT INVENTORY

Position/Box.: _____ / _____

Subject Name: OYEWALE OLANIBI Date: 8/23/07

Subject Address: _____ Floor/Room No. _____

Inspector(s): ESANNASON & ANTONINO Case No. _____

Safe: _____ Cabinet: _____ Credenza: _____ Desk: _____ Drawer: _____

Shelf: _____ Table: _____ Wall: _____ Other: _____

QUANTITY	DESCRIPTION OF ITEMS
40 plus	Business Various BUSINESS CARDS
1	UBA Debit CARD 627480 000000 6535854
1	Staples Express CARD
1	FED EX Kinkos CARD
1	NY BORGER Red Label card 1/20 OYEWALE A. OLANIBI 000146880
2	Internet Smart CARDS
1	Food Town Club Card
1	City Wash CARD
1	UBA Deposit Slip Receipt # 1537271
1	Metro CARD
	Numerous SLIPS OF PAPER w/ NAMES & NUMBERS
1	Book of POSTAGE STAMPS
1	MEGA Millions Lottery ticket # 85740 904-038162260-
1	STOP & SHOP Key Card (127928-012514/1)
1	Food Town Key Card
1	UBA Deposit Slip # 153468
1	UBA Withdrawal (ATM) Receipt
1	1/10 T-MOBILE Refill CARD

DISTRIBUTION OF COPIES: White-U.S. Magistrate (Return with Warrant)
Yellow-Inspector (Attach to PS Form 714)
Pink-Subject Searched
Green-Evidence Control Officer (Attach to PS Form 714)



THE UNITED STATES POSTAL INSPECTION SERVICE

SEARCH WARRANT INVENTORY

Position/Box.: _____/____

Subject Name: Oyeuwale OLANIBI Date: 8/23/07

Subject Address: _____ Floor/Room No. _____

Inspector(s): ESANNASON & ANTONINO Case No. _____

Safe: _____ Cabinet: _____ Credenza: _____ Desk: _____ Drawer: _____

Shelf: _____ Table: _____ Wall: _____ Other: _____

QUANTITY	DESCRIPTION OF ITEMS
1	Brown leather planner
1	Brown leather business card holder
1	Sprint Internet Access Card Case i/n/p Stanley Okodo
1	CAP ONE CARD Appl i/n/p Leslie B NORINSKY
1	Print out of bearing personal info of Leslie Norinsky
1	CAP ONE Pre-Approved Appl i/n/p Natalie Johnson
1	CAP ONE MASTERCARD Appl i/n/p Monika J Brezinski
1	CAP ONE CC Appl i/n/p Leslie B NORINSKY
1	Credit Header i/n/p VIRGINIA E MARTIN
4	WAMU ATM withdrawal receipts
1	Slip of paper bearing acct # 5409 7950 0042 0993
1	WAMU M/c Addressed to Barbara Miller 1010 East 84th St # 5409 7950 0042 0993
1	Sheet of paper bearing WAMU ACCT # 4559512200529619 Sears ACCT # 5121 0718 2415 0647 - WAMU ACCT # 4428 4820 8230 0209
1	Slip of paper bearing ② BA ACCT #'s # 2 WAMU #s 4888 6035 3359 3786 & 4888 6035 2991 0655 4885 8680 0482 9981 & 4428 4817 7440 0236

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THE UNITED STATES POSTAL INSPECTION SERVICE

SEARCH WARRANT INVENTORY

Position/Box: _____ / _____

Subject Name: Dyewale OLANIBI Date: 8/23/07

Subject Address: _____ Floor/Room No. _____

Inspector(s): ESANNASON & ANTONINO Case No. _____

Safe: _____ Cabinet: _____ Credenza: _____ Desk: _____ Drawer: _____

Shelf: _____ Table: _____ Wall: _____ Other: _____

QUANTITY	DESCRIPTION OF ITEMS
1	Slip of paper bearing Amex Acct # 3725 5912 1831 007
1	Sears m/c w/in/p Paula Weatherford & 2 Sales Receipts 5721 0718 7185 6344
1	CAP ONE VISA Addressed to Leslie B NORINSKY VISA CARD 4003 4470 0062 0098
1	Sears m/c Addressed to Linda Fitzgerald CARD # 5721 0718 2869 1810
1	T-MOBILE SIM CARD # 718 219 1910 inside torn Envelope
1	TI MOBILE SIM CARD - 862 215 9584
1	TI MOBILE SIM CARD 347 806 6921
1	Juniper Bank Pre Approved VISA App w/in/p Natalie Johnson
2	Cap one m/c Appl w/in/p Natalie Johnson
1	Sheet of paper bearing personal Identifying info of Nelson Forster
1	Sheet of paper bearing personal Identifying info of JAMES E RETD & Christopher C Baldwin
1	Slip of paper bearing personal Identifying info of LINDA A FITZGERALD & Acct # 5721 0718 2869 1810

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THE UNITED STATES POSTAL INSPECTION SERVICE

SEARCH WARRANT INVENTORY

Position/Box.: _____ / _____

Subject Name: Oyeuwale OLANIBI Date: 8/23/07

Subject Address: _____ Floor/Room No. _____

Inspector(s): ESANNASON & ANTONINO Case No. _____

Safe: _____ Cabinet: _____ Credenza: _____ Desk: _____ Drawer: _____

Shelf: _____ Table: _____ Wall: _____ Other: _____

QUANTITY	DESCRIPTION OF ITEMS
1	ck m/p/t OSAYANDE IGIEHON # 036572485
1	Circuit City Home Theater Blue print
1	Slip of paper bearing Address 964 E 3rd ST Bklyn
1	NYSID CARD i/n/o Oyeuwale OLANIBI # 437946679
1	Slip of paper bearing Acct # 488603529910655
	North American Airlines flight itinerary
1	Yatou Driving Directions
1	Express mail Envelope Containing Court documents
	& other documents
	HHC folder
1	Slip of paper - w/ Barclays Bank info & other Addresses
1	UBA Savings withdrawal Booklet & letter
1	Envelope containing USPS MD Receipts
2	Laudermet CAFE Billing Slips for Boxes 402 & 306
1	US PASS Port i/n/o Oyeuwale OLANIBI 720025733
1	" " i/n/o ADENIKE OLANIBI 424755375
1	" " i/n/o Oyeuwale OLANIBI 154256014
1	NIGERIAN PASSPORT i/n/o Oyeuwale OLANIBI A4138793
1	" " i/n/o O. OLANIBI 1761060

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Subject Name: Oyeuwale Olanibi Date: 8/23/07

Subject Address: _____ Floor/Room No. _____

Inspector(s): ESANNASON & ANTONINO Case No. _____

Safe: _____ Cabinet: _____ Credenza: _____ Desk: _____ Drawer: _____

Shelf: _____ Table: _____ Wall: _____ Other: _____

QUANTITY	DESCRIPTION OF ITEMS
1	Airmail envelope i/n/o Andrew Bati 439W 58th St #402
1	Stymet shipping label Addressed to Andrew Bati " " (1)
1	letter from Jumper Bank addressed to Natalie Johnson
1	Sprint/nextel letter Addressed to Stanley Olobo
1	Sprint/nextel letter Addressed to David Hopewell
1	MAGAZINE Addressed to Miguel MONTALVO - NJ
1	letter addressed to Thomas FIBST
1	WAMU Preapproved visa Appl i/n/o Johnny Morgan
2	Receipts for 30# ea. from Landermet Care Box 306 & 402
4	USPS Express mail labels Addressed to different individuals
1	Torn USPS Express mail label
1	Western Union Receipt from Stanley OLANIBI
1	Credit header i/n/o Jarvce Bergdoll
1	Sheet of paper bearing Personal Identifying info of Audrey G. ENZWEILER Ac# 5466801184373881
1	Credit header i/n/o Audrey G. ENZWEILER
1	SS CARD i/n/o Oyeuwale Olanibi 461-79-2176
1	OH SDL i/n/o Oyeuwale Olanibi 461-79-2176
1	MET LIFE CK# 002655225 i/n/o Felix ASOTIN

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